

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADAM JOSEPH BROWN,
Plaintiff,

v.

D. GARNETTE, *et al.*,
Defendants.

:
: **CIVIL ACTION**
:
: **NO. 23-CV-0171**
:
:
:

ORDER

AND NOW this 27th day of June, 2023, upon consideration of Defendants' Motion to Dismiss Complaint (Doc. No. 15) and Plaintiff's opposition brief (Doc. No. 19), it is

ORDERED that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion is **DENIED AS MOOT** to the extent it seeks dismissal of Plaintiff's official capacity claims.

2. The motion is **DENIED** to the extent it seeks dismissal of Plaintiff's Eighth Amendment claims against Defendants Huner, Joseph, and Young.

3. The motion is **GRANTED** to the extent it seeks dismissal of Plaintiff's First Amendment claims against all Defendants. Plaintiff's First Amendment claims are **DISMISSED WITHOUT PREJUDICE**. Plaintiff may amend his Complaint if he can, in good faith, correct the issues identified by the Court in the accompanying Memorandum. Plaintiff's amended complaint, if any, is due **July 18, 2023**.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.